

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**UNOWEB VIRTUAL, LLC,**

*Plaintiff,*

v.

**ALLIANCE DATA SYSTEMS  
CORPORATION,**

*Defendant.*

**Civil Action No. 2:16-cv-00162-JRG**

**JURY TRIAL DEMANDED**

**PLAINTIFF UNOWEB VIRTUAL, LLC'S  
ANSWER TO DEFENDANT ALLIANCE DATA SYSTEMS CORPORATION'S  
COUNTERCLAIMS**

Plaintiff UnoWeb Virtual, LLC ("UnoWeb"), by and through its undersigned attorneys, answers the counterclaims of Defendant Alliance Data Systems Corporation ("ADS" or "Defendant") by corresponding paragraph number as follows:

**THE PARTIES**

1. Admitted.
2. Admitted.

**JURISDICTION AND VENUE**

3. UnoWeb admits that this Court has jurisdiction over the subject matter of these Counterclaims under, without limitation, 28 U.S.C. §§ 1331, 1338(1), 2201, and 2202, and venue for these Counterclaims is proper in this District.

4. Admitted.

**FACTUAL BACKGROUND**

5. Admitted.

6. UnoWeb admits that it has alleged that ADS makes, sells, offers to sell, imports, and/or uses CJ Affiliate. Unoweb denies that its allegations are wrongful.

7. Denied.
8. Admitted.

**COUNT ONE**

**(Declaratory Judgment of Non-Infringement of U.S. Patent No. 7,941,345)**

9. UnoWeb incorporates its responses to paragraphs 1-8 as if fully set forth herein.
10. Admitted.
11. Denied.
12. Denied.
13. Denied.

**COUNT TWO**

**(Declaratory Judgment of Invalidity of U.S. Patent No. 7,941,345)**

14. UnoWeb incorporates its responses to paragraphs 1-13 as if fully set forth herein.
15. Admitted.
16. Denied.
17. Denied.
18. Denied.

**COUNT THREE**

**(Declaratory Judgment of Non-Infringement of U.S. Patent No. 8,065,386)**

19. UnoWeb incorporates its responses to paragraphs 1-18 as if fully set forth herein.
20. Admitted.
21. Denied.
22. Denied.
23. Denied.

**COUNT FOUR**

**(Declaratory Judgment of Invalidity of U.S. Patent No. 8,065,386)**

24. UnoWeb incorporates its responses to paragraphs 1-23 as if fully set forth herein.
25. Admitted.

26. Denied.
27. Denied.
28. Denied.

**COUNT FIVE**

**(Declaratory Judgment of Non-Infringement of U.S. Patent No. 7,987,139)**

29. UnoWeb incorporates its responses to paragraphs 1-28 as if fully set forth herein.
30. Admitted.
31. Denied.
32. Denied.
33. Denied.

**COUNT SIX**

**(Declaratory Judgment of Invalidity of U.S. Patent No. 7,987,139)**

34. UnoWeb incorporates its responses to paragraphs 1-33 as if fully set forth herein.
35. Admitted.
36. Denied.
37. Denied.
38. Denied.

**COUNT SEVEN**

**(Declaratory Judgment of Non-Infringement of U.S. Patent No. 8,140,384)**

39. UnoWeb incorporates its responses to paragraphs 1-38 as if fully set forth herein.
40. Admitted.
41. Denied.
42. Denied.
43. Denied.

**COUNT EIGHT**

**(Declaratory Judgment of Invalidity of U.S. Patent No. 8,140,384)**

44. UnoWeb incorporates its responses to paragraphs 1-43 as if fully set forth herein.

45. Admitted.

46. Denied.

47. Denied.

48. Denied.

**DEMAND FOR JURY TRIAL**

UnoWeb demands a trial by jury on all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, UnoWeb prays that this Court will:

- A. Dismiss ADS's counterclaims against UnoWeb with prejudice;
- B. Hold that ADS is not entitled to any relief, whether in law, equity, or otherwise, on its counterclaims against UnoWeb;
- C. Declare that ADS has infringed and does infringe one or more claims of the '345, '386, '138, and '384 patents;
- D. Declare that the claims of the '345, '386, '138, and '384 patents are valid and enforceable;
- E. Award UnoWeb any other relief, in law and in equity, to which the Court finds UnoWeb is justly entitled.

Dated: May 25, 2016

Respectfully submitted,

/s/ Elizabeth L. DeRieux  
Elizabeth L. DeRieux (TX Bar No. 05770585)  
D. Jeffrey Rambin (TX Bar No. 00791478)  
CAPSHAW DERIEUX, LLP  
114 E. Commerce Ave.  
Gladewater, Texas 75647  
Telephone: 903-845-5770  
E-mail: ederieux@capshawlaw.com  
E-mail: jrambin@capshawlaw.com

OF COUNSEL:

Dorian S. Berger (CA SB No. 264424)  
Daniel P. Hipskind (CA SB No. 266763)  
BERGER HIPSKIND LLP  
1880 Century Park East, Suite 815  
Los Angeles, CA 90067  
Telephone: 213-516-7900  
Facsimile: 213-516-7910  
E-mail: dsb@bergerhipskind.com  
E-mail: dph@bergerhipskind.com

*Attorneys for UnoWeb Virtual, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 25th day of May, 2016, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Elizabeth L. DeRieux  
Elizabeth L. DeRieux